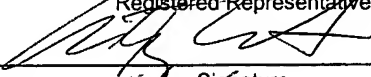


I hereby certify that this correspondence is being deposited with the United States Postal Service, with sufficient postage, as first class mail in an envelope addressed to: Mail Stop Patent Ext, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

April 27, 2005  
Date of Deposit

Anthony P. Curtis, Ph.D., Reg. No. 46,193

Name of applicant, assignee, or  
Registered Representative

  
Signature  
4/27/05  
Date of Signature

Our Case No. 9281-4223  
Client Ref. No. N US00101

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Naoya HASEGAWA

Serial No. 10/015,091

Filing Date: 10/23/2001

For: Spin-Valve Thin-Film Magnetic  
Element Without Sensing Current  
Shunt and Thin-Film Magnetic Head  
Including the Same

Examiner: Miller, Brian E.

Art Unit No.: 2652

### REQUEST FOR RECONSIDERATION OF THE PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(d)

Mail Stop Patent Ext  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

A Notice of Allowance was issued on February 23, 2005, having a Determination of Patent Term Adjustment under 35 U.S.C. § 154(b) of 137 days. For the reasons stated herein, reconsideration of this patent term adjustment is respectfully requested.

## REMARKS

Reconsideration of the patent term adjustment under 35 U.S.C. § 154(b) is requested. A Notice of Allowance issued for Application No.: 10/015,091 on February 23, 2005. A copy of the Notice of Allowance and the Determination of Patent Term Adjustment are attached at Exhibit A. Correction of the patent term adjustment to add 250 days to the patent term, as substantiated below, is respectfully requested. Please charge the petition fee under 37 C.F.R. § 1.18(e) to Deposit Account No. 23-1925. Please charge any additional fee required or credit for any excess fee paid to Deposit Account No. 23-1925. A duplicate copy of this Petition is attached.

The patent term adjustment for Application No.: 10/015,091 is calculated as shown below. Dates are specified based on the Patent Application Information Retrieval (PAIR) system Patent Term Adjustment History, attached as Exhibit B. Note that Application No.: 10/015,091 is not subject to a terminal disclaimer.

This request for reconsideration is timely filed as it accompanies the payment of the issue fees. As the three year period under 37 C.F.R. § 1.703(b) has expired, the Applicant respectfully submits that additional term extension is appropriate based on the actual issue date of the patent.

### Period of adjustment under 37 C.F.R. § 1.703(a)

The period of adjustment under 37 C.F.R. § 1.703(a) (1) is the number of days in the period beginning on the day after that date that is fourteen months after the date on which the application was filed under 35 U.S.C. § 111(a) and ending on the date of mailing or either an action under 35 U.S.C. § 132 or a notice of allowance under 35 U.S.C. § 151, whichever comes first.

The present application was filed on October 23, 2001. The 14 month date specified in 37 C.F.R. § 1.703(a) is December 12, 2002. The first PTO action was a

requirement for restriction mailed May 28, 2003. The difference between the 14 month date and the date of mailing of the requirement for restriction is 156 days.

The period of adjustment under 37 C.F.R. § 1.703 (a) (5) is the number of days in the period beginning on the day after the date that is four months after the date of a reply in compliance with 37 C.F.R. § 1.113 (c) was filed and ending on the date of mailing or either an action under 35 U.S.C. § 132 or a notice of allowance under 35 U.S.C. § 151, whichever comes first. A responsive reply was filed on October 4, 2004, and the 4 month period was February 23, 2005. A notice of allowance issued on February 23, 2005. The difference between the 4 month date and the issuance of the notice of allowance is 19 days.

The total period of adjustment under 37 C.F.R. § 1.703(a) is thus 175 days.

Period of adjustment under 37 C.F.R. § 1.703(b)

The period of adjustment under 37 C.F.R. § 1.703(b) is the number of days in the period beginning on the day ("the 3 year date") after the date that is three years after the date on which the application was filed under 35 U.S.C. § 111(a).

The present application was filed on October 23, 2001. The 3 year date specified in 37 C.F.R. § 1.703(b) is October 23, 2004. The Notice of Allowance issued on February 23, 2005. The difference between the 3 year date and the issue date is 123 days.

Reduction in period of adjustment under 37 C.F.R. § 1.704(b)

With respect to the grounds for adjustment set forth in 37 C.F.R. § 1.703(a)-(e), an applicant is deemed to have failed to engage in reasonable efforts to conclude processing or examination of an application for the cumulative total of any periods or time in excess of three months that are taken to reply to any notice or action by the Office. Any such three month period is measured from the date the notice or action was mailed to the applicant. The period of adjustment set forth in 37 C.F.R. § 1.703 shall be reduced by the number of days beginning on the day after the date that is three months after the date of mailing of the Office communication.

In the present application, a restriction requirement issued on May 28, 2003. The 3 month date for this communication is August 28, 2003. A Response to the restriction requirement was received by the Office on October 3, 2004, so the reduction in period of adjustment under 37 C.F.R. § 1.704(b) is 36 days. Further, a non-final rejection issued on July 2, 2004. The 3 month date for this communication is October 2, 2004. A Response to the restriction requirement was received by the Office on October 4, 2004, so the reduction in period of adjustment under 37 C.F.R. § 1.704(b) is 2 days. The cumulative reduction in the period of adjustment is 38 days.

Total patent term adjustment

For the present application, the total patent term adjustment under 37 C.F.R. § 1.703(f) is the period of adjustment under 37 C.F.R. § 1.703 reduced by the reduction under 37 C.F.R. § 1.704. The total adjustment is thus 175 days + 123 days – 38 days = 250 days. This adjustment does not include any further adjustments under 37 C.F.R. § 1.703(b) to the actual date of issue of the resulting patent.

Accordingly, reconsideration of the patent term adjustment for Application No.: 10/015,091 is respectfully requested. Office personnel are invited to contact the undersigned attorneys for the Applicant via telephone if such communication would expedite this request.

Respectfully submitted,



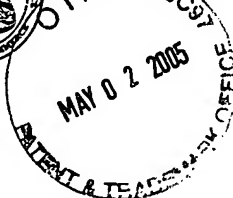
Anthony F. Curtis, Ph.D.  
Registration No. 46,193  
Agent for Applicant

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P.O. BOX 10395  
CHICAGO, ILLINOIS 60610  
(312) 321-4200



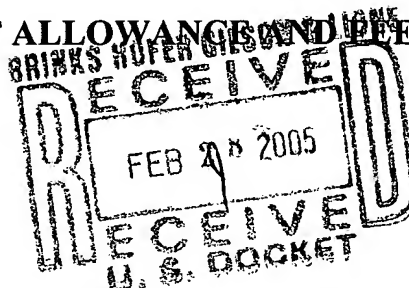
UNITED STATES PATENT AND TRADEMARK OFFICE

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NOTICE OF ALLOWANCE AND FEE(S) DUE

7590 02/23/2005  
Brinks Hofer Gilson & Lione  
P.O. Box 10395  
Chicago, IL 60610



EXAMINER	
MILLER, BRIAN E	
ART UNIT	PAPER NUMBER
2652	
DATE MAILED: 02/23/2005	

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/015,091	10/23/2001	Naoya Hasegawa	9281-4223	6620

TITLE OF INVENTION: SPIN-VALVE THIN-FILM MAGNETIC ELEMENT WITHOUT SENSING CURRENT SHUNT AND THIN-FILM MAGNETIC HEAD INCLUDING THE SAME

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1400	\$300	\$1700	05/23/2005

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. **PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN **THREE MONTHS** FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. **THIS STATUTORY PERIOD CANNOT BE EXTENDED.** SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

- A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.
- B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

- A. Pay TOTAL FEE(S) DUE shown above, or
- B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B - Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER:** Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.



# UNITED STATES PATENT AND TRADEMARK OFFICE

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MAY 02 2005

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/015,091	02/23/2001	Naoya Hasegawa	9281-4223	6620
7590				
02/23/2005				
EXAMINER				
MILLER, BRIAN E				
ART UNIT		PAPER NUMBER		
2652				

DATE MAILED: 02/23/2005

## Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 137 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 137 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

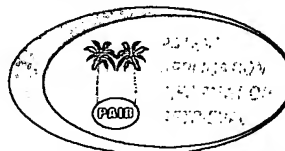
Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571) 272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (703) 305-8283.



United States Patent and Trademark Office

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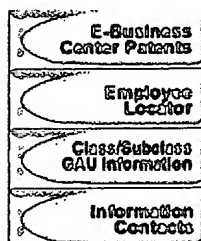
## PATENT APPLICATION INFORMATION RETRIEVAL



Printer Friendly Version

Patent Term Adjustment (PTA) for application number: 10/015,091			
			Days
Filing or 371(c) Date:	10-23-2001	USPTO Delay (PTO):	175
Issue Date of Patent:	-	Three Years:	-
Pre-Issue Petitions (days):	+0	Applicant Delay (APPL):	38
Post-Issue Petitions (days):	+0	Total PTA:	137
USPTO Adjustment (days):	+0	Explanation of Calculations	

## Other Links



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Foreign Priority

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Published Documents

Patent Term Adjustment History			
Date	Contents Description	PTO (days)	APPL (days)
02-23-2005	Mail Notice of Allowance	19	
02-23-2005	Mail Examiner's Amendment	↑	
02-20-2005	Issue Revision Completed	↑	
02-20-2005	Examiner's Amendment Communication	↑	
02-20-2005	Notice of Allowance Data Verification Completed	↑	
02-20-2005	Notice of Allowability	↑	
12-14-2004	IFW TSS Processing by Tech Center Complete	↑	
12-14-2004	Date Forwarded to Examiner	↑	
10-04-2004	Response after Non-Final Action	↑	2
10-23-2001	Reference capture on IDS		↑
10-04-2004	Workflow incoming amendment IFW		↑
07-02-2004	Mail Non-Final Rejection		↑
06-25-2004	Non-Final Rejection		
04-23-2004	Date Forwarded to Examiner		
04-19-2004	Response after Non-Final Action		
04-19-2004	Workflow incoming amendment IFW		
02-20-2004	Information Disclosure Statement (IDS) Filed		
01-20-2004	Mail Non-Final Rejection		
01-12-2004	Non-Final Rejection		
10-29-2003	Date Forwarded to Examiner		
10-03-2003	Response to Election / Restriction Filed		36

10-03-2003	Request for Extension of Time - Granted		↑
05-28-2003	Mail Restriction Requirement	156	↑
05-28-2003	Requirement for Restriction / Election	↑	
03-26-2002	Case Docketed to Examiner in GAU	↑	
10-23-2001	Information Disclosure Statement (IDS) Filed	↑	
10-23-2001	Request for Foreign Priority (Priority Papers May Be Included)	↑	
01-30-2002	Case Docketed to Examiner in GAU	↑	
01-16-2002	Application Dispatched from OIPE	↑	
01-15-2002	Application Is Now Complete	↑	
12-29-2001	IFW Scan & PACR Auto Security Review	↑	
10-23-2001	Initial Exam Team nn	↑	

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